IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 8TH NOVEMBER 2006 / 17TH KARTHIKA 1928

WP(C).No. 27287 of 2006(W)

PETITIONER:

VASU, AGED 62 YEARS, S/. PARAN,
CHULLIVALAPPIL HOUSE, RESIDNG AT PANANCHERY
VILLAGE, PATTIKKAD DESOM, NEAR MAVINCHODU,
CHEMBUTHARA, THRISSUR DISTRICT.

BY ADV. SRI.K.B.MOHANDAS

RESPONDENTS:
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1. GIRIJAN, PROPRIETOR, DEVI MARUTHI
SERVICE CENTRE, PEECHI ROAD, P.O. PATTIKKAD.

2. PANANCHERY PANCHAYATH, REPRESENTED BY
SECRETARY, PANANCHERY PANCHAYATH,
P.O. PATTIKKAD, THRISSUR DISTRICT.

3. THE ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
KERALA STATE.

4. THE DISTRICT MEDICAL OFFICER (HEALTH)
D.M.O. OFFICE, ST.THOMAS COLLEGE ROAD,
THRISSUR-1.

5. THE ASST.EXECUTIVE ENGINEER,
ELECTRICAL SECTION, ELECTRIITY BOARD,
P.O. PATTIKKAD.

6. THE SUB INSPECTOR OF POLICE,
PEECHI POLICE STATION, P.O. PEECHI.

7. THE STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY TO THE GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY ADV. SRI.G.SREEKUMAR (CHELUR)
SRI.P.K.VIJAYAMOHANAN FOR R2
SRI.SOJAN MICHEAL FOR R2
SRI.M.K.CHANDRAMOHAN DAS, SC, PCB
SR GOVERNMENT PLEADER SRI.MATHEW G. VADAKKEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE,J.

W.P.(C) NO.27287 OF 2006

Dated this the 8th day of November, 2006

J U D G M E N T

Mr.G.Sreekumar, counsel for the 1st respondent submits that application submitted by the 1st respondent for licence is pending before the Panchayat and application for consent is pending before the Pollution Control Board. Learned counsel wanted me to direct the concerned authorities to expedite action on the applications submitted by the 1st respondent. Counsel for the Panchayat submits that the 1st respondent is yet to approach the Panchayat for licence. Counsel for the Pollution Control Board submitted that the application for consent submitted by the 1st respondent is being enquired into and a decision will be taken at the earliest. The counsel for the 1st respondent would now submit that in order to enable the Pollution Control Board to take a decision, it will be necessary that the 1st respondent is permitted to have a trial run of his unit, which is an automobile workshop. Counsel for the Panchayat submitted that the trial run, if at all permitted shall be for the limited purpose of enabling the Pollution Control Board to assess the pollution, if any generated

on account of the running of the unit.

2. Having regard to the rival submissions made before me, I am of the view that this writ petition can be disposed of with the following directions.

The 3rd respondent, Pollution Control Board is directed to take an early decision on the issue of giving consent to the 1st respondent for conducting his automobile workshop under the name Devi Maruthi Service Centre. The 1st respondent will have the permission to conduct trial run at hours to be specified by the Pollution Control Board so as to enable the Pollution Control Board to take a decision on the consent application. If the 4th respondent, District Medical Officer is approached by the 1st respondent for necessary No Objection Certificates, DMO will also after conducting requisite inspections issue proper certificate to the 1st respondent. Once the 1st respondent obtains the consent from the Pollution Control Board, no objection certificate from the DMO and all other statutory consents and permits required for the purpose of getting license in the matter of Automobile Workshop, he will approach the Panchayat and the Panchayat will take a decision on the 1st respondent's application for licence at the

earliest. A hearing opportunity will be offered to the 1st respondent by the Panchayat once the 1st respondent files the licence application before the Panchayat. Till such time as the Panchayat takes a decision on the licence application to be submitted by the 1st respondent, the interim order passed in this case will continue to operate.

PIUS C.KURIAKOSE, JUDGE

Rp